OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: FEBRUARY 7, 1997   REPORT NO: 97-02 (Rev.)

SUBJECT: SPECIAL ELECTION REGARDING STADIUM

ISSUE

At its meeting on January 28, 1997, the City Council granted the referendary petition to repeal Ordinance No. O-18365 (New Series) adopted on December 10, 1996, and directed the City Attorney to prepare an ordinance calling a Special Election under the Council's initiative powers, to place certain stadium issues before the voters. The City Clerk was directed to provide additional information pertaining to the costs and potential dates for such a Special Election. As you deliberate, you may wish to consider providing for rebuttal arguments; and assigning authorship of the ballot argument to one or more Council members. Each of these points is discussed below.

POTENTIAL ELECTION DATES

As noted in the City Clerk's report dated January 23, 1997 (CC97-01), the Registrar of Voters prefers a minimum of 88 days to organize a City-wide election, but it is possible to shorten that time frame by as much as a week. A decision to provide for rebuttal arguments would necessitate the full 88 days.

If the City Council adopts an election ordinance at its meeting on February 10, 1997, the first possible Tuesday for a Special Election would be May 6, 1997.[1] This date assumes that the Council follows the usual format of presenting the ballot question, the City Attorney's Impartial Analysis, and arguments for and against the measure, with no rebuttal arguments. Deadlines would be those outlined in Option I on the following page.

Should the Council decide to allow rebuttal arguments for this election, the earliest possible Tuesday for an election would be May 13, 1997.[2] Deadlines would be those outlined in Option II on the following page. A discussion of rebuttal arguments follows.

REBUTTAL ARGUMENTS

California Elections Code section 9285 allows for rebuttal arguments at any election provided certain provisions are adopted by a majority vote of the Council not later than the day the ordinance calling the election is adopted.

These provisions provide that a person who submits an argument in favor of the city measure would, immediately after the filing deadline, be sent a copy of the argument submitted against that measure. A person submitting an argument against the measure would be sent a copy of the argument in favor of it. Each would then have the opportunity to submit a rebuttal argument not exceeding 250 words. Rebuttal arguments would be filed with the City Clerk not more than 10 days after the final date for filing direct arguments, and would be printed in the sample ballot in the same manner as direct arguments.

Other considerations:

- The City of San Diego has never had rebuttal arguments;

- If the Council allows rebuttal arguments, the City's costs for typesetting and printing of the sample ballot pamphlet will be affected upward, as additional pages will be required; and

- **Should the Council wish to adopt these provisions, they must do so at the time the election ordinance is adopted.**

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[1] The first possible date for an election would be Thursday, May 1, 1997, assuming the Council follows the usual format of presenting the ballot question, the City Attorney's Impartial Analysis, and arguments for and against the measure, with no rebuttal arguments. The state elections code requires that elections be held on Tuesdays. It should be noted, however, that as a charter city, the Attorney has advised us that the City Council has the authority to set the election for a day other than a Tuesday. In order to keep the election consistent with past practice and tradition, the City Clerk would recommend that the election be held on a Tuesday.

[2] The earliest possible date with rebuttal arguments would be Thursday, May 8. Again, the City Clerk would recommend that the election be scheduled on a Tuesday since that is when voters expect elections to take place.

OPTIONAL ELECTION DATES

The following schedules provide key events for the election dates referenced above.

OPTION I --TUESDAY ELECTION, NO REBUTTAL ARGUMENTS

Event	Date	Days Prior to Election
Council adopts Election Ordinance	February 10, 1997	85
Deadline for Ballot Arguments	February 25, 1997	70
Final Date for Public Review of Arguments	March 7, 1997	60
Final documents provided to Registrar	March 7, 1997	60
Close of Registration/Absentee Voting Begins	April 7, 1997	29
ELECTION DATE	May 6, 1997	0

OPTION II -- TUESDAY ELECTION WITH REBUTTAL ARGUMENTS

Event	Date	Days Prior to Election
Council adopts Election Ordinance	February 10, 1997	92
Deadline for Ballot Arguments	February 25, 1997	77
Deadline for Rebuttal Arguments	March 4, 1997	70
Final Date for Public Review of Arguments	March 7, 1997	67
Final Date for Public Review of Rebuttal Arguments	March 14, 1997	60
Final documents provided to Registrar	March 14, 1997	60
Close of Registration/Absentee Voting Begins	April 14, 1997	29
ELECTION DATE	May 13, 1997	0

It should be noted that the Council is not compelled to call the Special Election on the earliest practical date; the Council has the authority to call the election on any later date it chooses. As noted in Clerk's Report CC-97-01, June 3, 1997 is a regularly scheduled election day, although there are no elections being held on that date at this time.

If the Council wishes to call an election on the earliest practical date, and does not act to call the election on February 10, 1997, the dates proposed above would be shifted accordingly. For instance, if the Council acts on February 18, the earliest Tuesday for an election--allowing the full 88 days--would be May 20. If the Council acts on February 24, the earliest Tuesday for an election would be May 27.

ELECTION COSTS

We are estimating a cost of $1 million to hold a City-wide Special Election; a greater consolidation of polling places might reduce the costs by as much as $100,000. A mail ballot election might reduce the costs by as much as $200,000.

PROVISION FOR AUTHORSHIP OF THE BALLOT ARGUMENT

California Elections Code sections 9281-9287 provide guidelines for ballot arguments concerning City propositions. Both election schedules above provide that the deadline for ballot arguments would be Tuesday, February 25, 1997 at 5:00 p.m.

Direct arguments are limited to 300 words. If more than one argument is submitted for or against any proposition, the City Clerk selects the argument to be printed in the sample ballot pamphlet, by priority of authorship as follows:

  a) the City Council, or member of the Council authorized by the Council;
  b) the individual voter or bona fide association of citizens who are the bona fide sponsors or proponents of the proposition;
  c) bona fide associations of citizens;
  d) individual voters who are eligible to vote on the proposition.

Council members must be considered as individual voters *unless designated by Council action to speak for the legislative body.* Should the Council wish to authorize one or more Council members to draft and sign an argument, the Clerk recommends that such authorization be given **at the same time the Council acts to call the Special Election.**

Arguments must be accompanied by the name or names of the person or persons submitting them, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

No more than five (5) signatures shall appear with any argument. In case any argument is signed by more than five (5) persons, the signatures of the first five (5) will be printed in the sample ballot pamphlet.

CONCLUSION

This report provides potential election dates for your consideration, information about rebuttal arguments, costs for the election and guidelines for ballot arguments. I hope it is of some assistance in your deliberations on this matter. If you have any further questions, please contact Joyce Lane at x34024.

Sincerely,

Charles G. Abdelnour
City Clerk

CGA:JL
cc: City Manager
   City Attorney